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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,385	04/13/2001	David Carrel	4906.P024	3447

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EXAMINER	
OSMAN, RAMY M	

ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/834,385	CARREL ET AL.	
	Examiner	Art Unit	
	Ramy M. Osman	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 March 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 March 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1. This communication is responsive to the amendment filed on March 9, 2006. Applicant amended claims 1,5,8,10,12,15,18. Claims 1-30 are pending.

Drawings

2. The drawings were received on 3/9/2006. These drawings are accepted and thus the objection to the drawings is withdrawn.

Response to Arguments

3. Applicant's arguments filed 3/9/2006 have been fully considered but they are not persuasive.

4. Applicant argues that the claim limitation "insert a route" means "inserting a route into a route table, forwarding table...".

In reply, applicant has failed to show support for this meaning in the specification. Nowhere in the specification is a routing table mentioned, and nowhere in the specification is it mentioned that a routing entry is inserted into a routing table. This limitation is non-enabled.

5. Applicant argues that Chiles does not teach "establishing a session ... through a customer premise equipment".

In reply, customer premise equipment (CPE) is taught by Chiles in paragraphs 55-56. Applicant defines CPE as cable modem, DSL modem etc., in paragraph 17 of applicants

specification. Chiles discloses a session through a cable modem, xDSL modem, satellite modem etc..

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1-4,8-14,18-21 and 25-27 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The limitation "insert a route" has not been adequately defined in the specification. It is mentioned in only one location which states: "the host 401 inserts a route to the content server 415 with the information from the RAC 413 and a route to the content server 417 with the information from the RAC 411". However, "inserts a route" has not been defined by the specification and its meaning cannot be ascertained. Therefore, for the purpose of examination, the examiner will interpret "insert a route" to mean establishing a connection.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-10,12,13 and 15-30 rejected under 35 U.S.C. 102(e) as being anticipated by Chiles et al (US Patent Publication No 2001/0036192).

10. In reference to claims 1,15,18 and 28-30, Chiles teaches a machine readable medium, an apparatus, a method and a corresponding network environment comprising:

establishing a session at a data link layer between a host and an remote access concentrator through a customer premise equipment (paragraphs 55,56,63 and 70-72).

determining a set of network layer information corresponding to the session (paragraphs 56,63 and 70-72); and

applying the set of network layer information to the host at the data link layer to insert a route to at least one content server, the at least one content server being identified by the set of network layer information (paragraphs 56,63 and 70-72).

11. In reference to claims 2,16 and 19, Chiles teaches claims 1,15 and 18 respectively, wherein the session is Point-to-Point Protocol over Ethernet (paragraphs 62 and 63).

12. In reference to claims 3,17 and 20, Chiles teaches claims 1,15 and 18 respectively, further comprising:

establishing a second session at the data link layer between the host and the remote access concentrator (paragraphs 47,48,50,51 and 65);

determining a second set of network layer information corresponding to the second session (paragraphs 47,48,50,51 and 65); and

applying the second set of network layer information to the host at the data link

layer to insert a route to at least one further content server, the further content server being identified by the second set of network layer information (paragraphs 47,48,50,51 and 65, Chiles inherently teaches a second session to a second server since there are multiple links between the host (i.e. the gateway of Chiles) and servers (i.e. the host system of Chiles which contains multiple servers and devices)).

13. In reference to claims 4 and 21, Chiles teaches claims 1 and 18 respectively, further comprising:

establishing a second session at the data link layer between the host and the remote access concentrator (paragraphs 47,48,50,51 and 65);

determining a second set of network layer information corresponding to the second session (paragraphs 47,48,50,51 and 65); and

applying the second set of network layer information to the host at the data link layer to insert a route to at least one further content server, the further content server being identified by the second set of network layer information (paragraphs 47,48,50,51 and 65, Chiles inherently teaches a second session to a second server since there are multiple links between the host (i.e. the gateway of Chiles) and servers (i.e. the host system of Chiles which contains multiple servers and devices).

14. In reference to claim 5, Chiles teaches a machine readable medium that provides instructions, which when executed by a set of processors, cause said set of processors to perform operations comprising:

establishing a first session with a data link layer protocol between a host and a first remote access concentrator through a customer premise equipment (paragraphs 55,56,63 and 70-72);

determining a first set of network layer information corresponding to the session (paragraphs 56,63 and 70-72);

establishing a second session with the data link layer protocol between the host and a second remote access concentrator through the customer premise equipment without terminating the first session (paragraphs 47,48,50,51,55,56 and 65); and

determining a second set of network layer information for the second session (paragraphs 47,48,50,51 and 65).

15. In reference to claim 6, Chiles teaches claim 5 wherein the second remote access concentrator is the first remote access concentrator (paragraphs 47,48,50,51 and 65).

16. In reference to claim 7, Chiles teaches claim 5, wherein the session is Point-to-Point Protocol over Ethernet (paragraph 63).

17. In reference to claim 8, Chiles teaches a machine readable medium that provides instructions, which when executed by a set of processors, cause said set of processors to perform operations comprising:

establishing a communications session between a host and a remote access concentrator under a first of a plurality of accounts (paragraphs 51-53)

retrieving a set of network layer information corresponding to the first account (paragraphs 51-53);

creating a message having the set of network layer information within a data link layer of the message (paragraphs 51-53);

transmitting the message from the remote access concentrator to the host (paragraphs 51-53,56,62 and 63);

extracting the set of network layer information from the message at the data link layer (paragraphs 51-53,56,62 and 63); and

applying the set of network layer information to the host to insert, into the host, a route (paragraphs 51-53,56,62 and 63).

18. In reference to claim 9, Chiles teaches claim 8, wherein the session is Point-to-Point Protocol over Ethernet. (paragraph 63).

19. In reference to claim 10, Siegel teaches claim 8 further comprising:

establishing a second communications session between the host and the remote access concentrator under a second of the plurality of accounts without terminating the first communication session (paragraphs 47,48,50-53 and 65);

establishing a second set of network layer information, the second set of network information corresponding to the second account (paragraphs 47,48,50-53 and 65);

creating a second message having the second set of network layer information within a data link layer of the message; transmitting the second message from the concentrator to the host; extracting the second set of network layer information from the second message; and applying the second set of information to the host (paragraphs 47,48,50-53 and 65).

20. In reference to claims 12,22 and 25-27, Siegel teaches a machine readable medium that provides instructions, which when executed by a set of processors, cause said set of processors to perform operations, and a corresponding method comprising:

establishing a Point to Point Protocol over Ethernet (PPPoE) session between a host to a remote access concentrator, the PPPoE session being associated to an account (paragraphs 51-53 and 70-72);

determining a set of network information corresponding to the account in the PPPoE session (paragraphs 51-53 and 70-72); and

applying the set of network information to the host (paragraphs 51-53 and 70-72).

21. In reference to claims 13,23 and 24, Siegel teaches claims 12 and 22 respectively further comprising:

establishing a second PPPoE session between the host and the remote access concentrator, the second session being associated with a second account (paragraphs 47,48,50-53 and 65).

determining a set of network information corresponding to the second account (paragraphs 47,48,50-53 and 65); and

applying the second set of network information to the host in the PPPoE session (paragraphs 47,48,50-53 and 65).

Claim Rejections - 35 USC § 103

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

23. **Claims 11 and 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Chiles et al (US Patent Publication No 2001/0036192) in view of Araujo et al (US Patent No 6,112,245).**

24. In reference to claim 11, Chiles teaches claim 8 further comprising:

establishing a second session with the data link layer protocol between the host and a remote access concentrator without terminating the first session (paragraphs 47,48,50,51 and 65). Chiles fails to explicitly teach where the second session is established with a second concentrator. However, Araujo teaches that establishing a second session with a second concentrator is an obvious variation of establishing a second session with the same concentrator. It is well known in the art that multiple concentrators can be provided for establishing multiple sessions (Araujo, column 5 lines 40-67 and claims 1 & 8).

Therefore, it would have been obvious for one having ordinary skill in the art to modify Chiles by making the second session established with a second concentrator as per the teachings of Araujo because multiple concentrators can be provided for establishing multiple sessions.

transmitting the second message from the concentrator to the host; extracting the second set of network layer information from the second message; and applying the second set of information to the host (paragraphs 47,48,50,51 and 65).

25. In reference to claim 14, Chiles teaches claim 12 further comprising:

establishing a second PPPoE session between the host and a remote access concentrator, the second session being associated with a second account (paragraphs 47,48,50,51 and 65).

Chiles fails to explicitly teach where the second session is established with a second concentrator. However, Araujo teaches that establishing a second session with a second concentrator is an obvious variation of establishing a second session with the same concentrator. It is well known in the art that multiple concentrators can be provided for establishing multiple sessions (Araujo, column 5 lines 40-67 and claims 1 & 8).

Therefore, it would have been obvious for one having ordinary skill in the art to modify Chiles by making the second session established with a second concentrator as per the teachings of Araujo because multiple concentrators can be provided for establishing multiple sessions.

determining a set of network information corresponding to the second account (paragraphs 47,48,50,51 and 65); and

applying the second set of network information to the host in the PPPoE session (paragraphs 47,48,50,51 and 65).

26. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M. Osman whose telephone number is (571) 272-4008. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RMO
May 24, 2006

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